

The amendment was adopted.

H. B. No. 67 was then passed to engrossment.

#### HOUSE BILL NO. 173 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 173, A bill to be entitled "An Act to amend Section 1, Chapter 50, of Local and Special Laws of the State of Texas, being an act known as House bill No. 122, enacted by the Thirty-sixth Legislature of the State of Texas, at its Third Called Session, approved June 17, 1920, creating Miles Independent School District; this amendment revising, diminishing and re-establishing the limits and metes and bounds of said district as established by said act, to include only territory in Runnels county and excluding from said district certain territory in Runnels county and all territory in Tom Green county, and restoring and re-establishing such excluded territory, which said act known as House bill No. 122 included in said Miles Independent School District to and as constituting, in whole or in part, as the case may be, the same original respective school districts of Tom Green and Runnels counties which such territory constituted, in whole or in part, before the taking effect of such act; continuing in office the trustees of such original respective school districts of Tom Green and Runnels counties who were in office when said original act took effect, with the same powers and duties as then conferred upon them by law, until the expiration of their respective terms of office; and continuing all the parts of said act which are not hereby amended in full force and effect; repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Mr. Kellis offered the following amendment to the bill:

Amend House bill No. 173 by inserting the figure "1" just after and immediately following the word "Section" in the first line of Section 1 of said House bill and by striking out the figure "2" just after and immediately following the word "Section" in the second line of Section 2 of said House bill and by inserting therein the figure "1" in lieu of and in the place and instead of said figure "2" so stricken out and by striking out the figure "2" just after and immediately following the word "Section" in the seventeenth line of Section 3

of said House bill and by inserting therein the figure "1" in lieu of and in the place and instead of said figure "2" so stricken out.

The amendment was adopted.

House bill No. 173 was then passed to engrossment.

#### SENATE BILLS ON FIRST READING.

The following Senate bills received from the Senate today were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate bill No. 3, to the Committee on Eleemosynary Institutions.

Senate bill No. 78, to the Committee on Municipal and Private Corporations.

#### ADDITION TO STANDING COMMITTEE.

The Speaker announced the appointment of the following additional member to the Committee on Banks and Banking:

Mr. Stewart of Edwards.

#### ADJOURNMENT.

Mr. Crumpton moved that the House adjourn until 10 o'clock a. m. tomorrow.

Mr. Curtis moved that the House adjourn until 9 o'clock a. m. tomorrow.

The motion of Mr. Crumpton prevailed, and the House, accordingly, at 5:30 o'clock p. m., adjourned until 9 o'clock a. m. tomorrow.

#### FOURTEENTH DAY.

(Friday, January 28, 1921.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Thomas.

The roll was called and the following members were present:

|                    |             |
|--------------------|-------------|
| Adams.             | Bonham.     |
| Aiken.             | Branch.     |
| Baker.             | Brown.      |
| Baldwin.           | Bryant.     |
| Barker.            | Burkett.    |
| Barrett of Bell.   | Burmeister. |
| Barrett of Fannin. | Burns.      |
| Bass.              | Carpenter.  |
| Beasley.           | Childers.   |
| of Hopkins.        | Chitwood.   |
| Beasley.           | Coffee.     |
| of McCulloch.      | Cox.        |
| Beavens.           | Crawford.   |
| Black, O. B.,      | Crumpton.   |
| of Bexar.          | Cummins.    |
| Black, W. A.,      | Curtis.     |
| of Bexar.          | Darroch.    |

|                               |                         |
|-------------------------------|-------------------------|
| Davis, John E.,<br>of Dallas. | Morris of Medina.       |
| Davis, John,<br>of Dallas.    | Morris<br>of Montague.  |
| Dinkle.                       | Mott.                   |
| Duffey.                       | Neblett.                |
| Duncan.                       | Neinast.                |
| Edwards.                      | Owen.                   |
| Estes.                        | Patman.                 |
| Faubion.                      | Perkins<br>of Cherokee. |
| Fly.                          | Perkins of Lamar.       |
| Fugler.                       | Perry.                  |
| Garrett.                      | Pollard.                |
| Greer.                        | Pool.                   |
| Grissom.                      | Pope.                   |
| Hall.                         | Quinn.                  |
| Hanna.                        | Rice.                   |
| Hardin.                       | Rogers of Harris.       |
| Harrington.                   | Rogers of Shelby.       |
| Henderson                     | Rosser.                 |
| of McLennan.                  | Rountree.               |
| Henderson                     | Rowland.                |
| of Marion.                    | Satterwhite.            |
| Hendricks.                    | Shearer.                |
| Hill.                         | Sims.                   |
| Horton.                       | Smith.                  |
| Johnson of Ellis.             | Sneed.                  |
| Johnson                       | Stephens.               |
| of Wichita.                   | Stevenson.              |
| Jones.                        | Stewart of Reeves.      |
| Kacir.                        | Swann.                  |
| Kellis.                       | Sweet of Brown.         |
| King.                         | Sweet of Tarrant.       |
| Kveton.                       | Teer.                   |
| Lackey.                       | Thomas<br>of Limestone. |
| Laird.                        | Thomason.               |
| Lauderdale.                   | Thompson                |
| Lawrence.                     | of Harris.              |
| Lindsey.                      | Thompson                |
| Looney.                       | of Red River.           |
| NcDaniel.                     | Thorn.                  |
| McFarlane.                    | Thrasher.               |
| McKean.                       | Veatch.                 |
| McLeod.                       | Wadley.                 |
| Malone.                       | Walker.                 |
| Martin.                       | Wallace.                |
| Marshall.                     | Webb.                   |
| Mathes.                       | Wessels.                |
| Melson.                       | Westbrook.              |
| Merriman.                     | Williams                |
| Miller of Dallas.             | of McLennan.            |
| Miller of Parker.             | Williams                |
| Morgan.                       | of Montgomery.          |
| Moore.                        |                         |

Absent.

Binkley

Absent—Excused.

|            |             |
|------------|-------------|
| Brady.     | Schweppe.   |
| Laney.     | Seagler.    |
| Leslie.    | Stewart.    |
| McCord.    | of Edwards. |
| Quaid.     | West.       |
| Quicksall. | Wright.     |

A quorum was announced present.

Prayer was then offered by Rev. J. C. Mitchell, Chaplain.

## LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Quaid for today and Monday, on motion of Mr. Jones.

Mr. Schweppe for today and Monday, on motion of Mr. Wessels.

Mr. Kveton for today, on motion of Mr. Wessels.

Mr. Wright for today and Monday, on motion of Mr. Rosser.

Mr. Brady for today and Monday, on motion of Mr. Shearer.

Mr. Seagler indefinitely, on motion of Mr. Darroch.

Mr. Looney was excused until next Tuesday on account of illness, on motion of Mr. Wessels.

## HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Hill:

H. B. No. 281, A bill to be entitled "An Act creating the Perryton Independent School District in Ochiltree County, Texas; defining its boundaries; providing for a board of trustees in said district; conferring upon said district and its board of trustees all the rights powers, privileges and duties now conferred and imposed by the general laws of Texas upon independent school districts and the board of trustees thereof; providing that such district may have its own assessor and collector of taxes and board of equalization; repealing Chapter 94, of the Local and Special Laws passed by the Third Called Session of the Thirty-sixth Legislature, and Chapter 1, of the Local and Special Laws passed by the Fourth Called Session of the Thirty-sixth Legislature; and declaring an emergency."

Referred to Committee on Education.

By Mr. Hill:

H. B. No. 282, A bill to be entitled "An Act authorizing incorporated cities, towns or villages in this State to avail themselves of the services of county tax assessors and collectors; and declaring an emergency."

Referred to Committee on Municipal and Private Corporations.

By Mr. Hill:

H. B. No. 283, A bill to be entitled

"An Act relative to attorney's fees and providing for a lien and a cause of action for same; and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Stewart of Edwards:

H. B. No. 284, A bill to be entitled "An Act creating the Leakey Independent School District in Real County, Texas; providing a board of trustees therefor; vesting it with all the rights, powers and duties of districts incorporated for school purposes only, under the general laws, and declaring an emergency."

Referred to Committee on Education.

By Mr. Morris of Montague:

H. B. No. 285, A bill to be entitled "An Act creating the Nocona Independent School District in Montague County, Texas; defining its boundaries, including the present Nocona Independent School District; providing for a board of trustees in said district; conferring upon said district and its boards of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws of Texas upon independent school districts, and the boards of trustees thereof; providing that the present boards of trustees continue in office until expiration of their respective terms; providing that said district shall have its own assessor and collector of taxes and board of equalization, and providing that all bonds and maintenance taxes heretofore voted by any school district included within the bounds of the district hereby created, shall remain in full force and effect; and specifically repealing Chapter 2, of the Special Laws of Texas passed by the Thirty-first Legislature and all amendments thereto, and declaring an emergency."

Referred to Committee on Education.

By Mr. Stewart of Reeves, Mr. Jones and Mr. Chitwood.

H. B. No. 286, A bill to be entitled "An Act to provide for the sale, transfer, patenting and forfeiture of lands belonging to and set apart for the University of Texas fund; prohibiting the leasing or renewing or extending of any lease on said lands; prescribing the times, manner, terms and conditions of such sales and to whom the same may be sold; prescribing the duties of the Commissioner of the General Land Office; repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Public Lands and Buildings.

By Mr. Webb:

H. B. No. 287, A bill to be entitled "An Act entitled an Act defining what shall constitute an Equity of Redemption Law, giving the right of any citizen who may have his homestead or any part thereof, sold under mortgage, deed of trust, execution, or any other class of forced sale, the right to redeem same within two (2) years from the date of such sale by the payment of the principal, interest and cost that may accrue, together with 8 per cent interest upon same; and giving the right to redeem property, where parties die intestate, or who own or hold title to real estate sold under execution, by the payment into the county court of the total amount due, together with interest on same; and authorizing the sheriff to execute a deed to same as now required by law; and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Melson and Mr. Veatch:

H. B. No. 288, A bill to be entitled "An Act conferring upon the Commissioner of Agriculture of the State of Texas all authority, powers, duties, functions, rights, and liabilities of the Dairy and Food Commissioner of Texas, vesting in him, under and by virtue of an act or acts regulating the traffic in gasoline and other petroleum products in this State, including Chapter 125 of the General Laws of the Regular Session of the Thirty-sixth Legislature; making available to the Commissioner of Agriculture in the performance of the duties and functions conferred upon him by this act, all appropriations heretofore made by the Legislature for the Dairy and Food Commissioner, or the Food and Drug Department, or the Pure Food and Drug Department, or the Dairy and Food Department; authorizing said Commissioner of Agriculture to dispense with any employees not needed in the performance of the duties herein transferred, and declaring an emergency."

Referred to Committee on Public Health.

By Mr. Stephens:

H. B. No. 289, A bill to be entitled "An Act creating the Rowena Independent School District in Runnels County, Texas; defining its boundaries; providing for a board of trustees in said district; conferring upon said district and its boards of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws of Texas upon independent school districts and the board of trustees thereof, declaring

that all taxes or bonds heretofore authorized by any former school district included within the bounds thereof shall remain in full force and effect; and repealing Act of the Third Called Session of the Thirty-sixth Legislature creating the Rowena Independent School District, and declaring an emergency."

Referred to Committee on Education.

By Mr. Satterwhite:

H. B. No. 290, A bill to be entitled "An Act to amend Section 12, Chapter 81 of the General Laws of the First and Second Called Sessions of the Thirty-sixth Legislature, providing in substance that oil and gas permits issued heretofore or hereafter upon any land included in this act and also upon any river beds within this State may be assigned as a whole into one ownership or may be grouped into one organization or in one or more groups or combinations not to exceed sixteen sections for the purpose of developing oil and gas; and providing such assignments and agreements shall be recorded in the counties in which the land or part thereof is situated and providing such assignments and agreements shall be filed in the General Land Office within sixty days after the execution of same, accompanied by one (\$1.00) dollar as a filing fee, and declaring an emergency."

Referred to Committee on Oil, Mines and Gas.

By Mr. Wright:

H. B. No. 291, A bill to be entitled "An Act further regulating the increase of capital stock of State banks or banking corporations, amending Article 564, Chapter 6, Title 14, Revised Civil Statutes of the State of Texas, 1911, requiring the increase of the capital stock of banks, through orders of the State Banking Board when the statements of the said banks show excessive increase of average daily deposits as compared to the capital stock and surplus of said banks by providing that the State Banking Board may relieve such bank of such order upon finding of conditions justifying such relief; and declaring it to be an offense to receive deposits after refusal or failure of such bank or banking corporation to comply with any order or requirement of the State Banking Board pursuant to the provisions of this Act, and fixing the penalty and punishment therefor."

Referred to Committee on Banks and Banking.

By Mr. W. A. Black of Bexar:

H. B. No. 292, A bill to be entitled

"An Act amending Article 6804, Title 118, Chapter 2, providing form for acknowledgment by notary public."

Referred to Judiciary Committee.

By Mr. Melson and Mr. Veatch:

H. B. No. 293, A bill to be entitled "An Act abolishing the office of Dairy and Food Commissioner of this State, and conferring the authority, powers, duties, functions, rights and liabilities of said Commissioner upon the State Health Officer of this State, except the authority, powers, duties, functions, rights, and liabilities of said Dairy and Food Commissioner, under and by virtue of what is known as the act or acts regulating the traffic in gasoline and other petroleum products in this State, including Chapter 125 of the General Laws of the Regular Session of the Thirty-sixth Legislature; abolishing the Dairy and Food Department of this State and providing that the duties and functions of said department shall hereafter vest in the State Health Officer of this State, except the powers, authority, duties, etc., above mentioned, under the act or acts regulating the traffic in gasoline; making available to the State Health Officer all appropriations heretofore made for the Dairy and Food Commissioner or the Dairy and Food Department, or the Pure Food and Drug Department of this State, to be used by said State Health Officer in the performance and exercise of the duties, authority, powers and functions herein transferred, except appropriations made for the enforcement of the pure gasoline law, and the performance of duties under said law above mentioned; authorizing the State Health Officer to dispense with any employee not needed after the consolidation herein authorized, and rearrange the work and duties of the office to avoid duplication of work, and may rearrange salaries of employees within the maximum salaries provided by law, and declaring an emergency."

Referred to Committee on Public Health.

By Mr. Wadley and Mr. Hill:

H. B. No. 294, A bill to be entitled "An Act declaring it to be lawful for any steam or electric interurban railway, telegraph company, or chartered transportation car company or sleeping car company or the receivers or lessees thereof or persons operating the same, or the officers, agents or employees thereof, to grant free or exchange free passes, franks and privileges or substitute for pay to their employees and members of

their families defining the words 'employees' and 'families,' and declaring an emergency."

Referred to Committee on Common Carriers.

By Mr. Wadley and Mr. Hill:

H. B. No. 295, A bill to be entitled "An Act prescribing and defining headlights and rear or tail lights to be used upon automobiles and motorcycles sold, offered for sale or operated upon the highways of the State; fixing penalties for the violation of the act; providing for the issuance of injunctions for violation thereof; granting sixty days time within which to comply with the act; providing that if any provision, subdivision or part thereof shall be held without force or effect, the same shall not invalidate the remaining portions of the act, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Melson:

H. B. No. 296, A bill to be entitled "An Act abolishing the Industrial Welfare Commission of the State of Texas and conferring the authority, duties, powers and functions of said Commission and of each and all the members thereof, upon the Commissioner of Labor Statistics of the State of Texas, and declaring an emergency."

Referred to Committee on Labor.

By Mr. Melson:

H. B. No. 297, A bill to be entitled "An Act amending Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of the State of Texas so as to restrict the power and authority of the Governor to grant or approve applications for deficiencies in appropriations made by the Legislature of this State; and limiting the granting of deficiencies and the issuance of deficiency warrants, except when requested by heads of certain eleemosynary and charitable institutions of this State; and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Kellis:

H. B. No. 298, A bill to be entitled "An Act to amend Article 5246f, Chapter 4, Title 77, Revised Civil Statutes of Texas, so as to permit employers and employees in contracts between the State, and political subdivisions of the State, to contract as to the hours of labor to be performed per day."

Referred to Committee on Labor.

By Mr. Lackey:

H. B. No. 299, A bill to be entitled "An Act authorizing the State Insurance Commission to license agents of insurance companies, other than life insurance companies; providing what the license shall state and how it shall be obtained; and for revocation of such license; for termination thereof; for renewal thereof; and providing a penalty for violation of this act, and declaring an emergency."

Referred to Committee on Insurance.

By Mr. Dinkle:

H. B. No. 300, A bill to be entitled "An Act to amend Article 1430, Title 17 of the Penal Code of the Revised Criminal Statutes, 1911, of the State of Texas, prohibiting the fraudulent removal or disposition of property mortgaged or subject to any lien in writing, or upon which exists a landlord's lien, making such fraudulent removal or disposition of property a felony punishable by confinement in the penitentiary and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Mathes:

H. B. No. 301, A bill to be entitled "An Act creating and incorporating Hale Center Independent School District in Hale county, Texas; defining its boundaries; vesting the title to all school property within its boundaries in said Hale Center Independent School District and its board of trustees; fixing liability for all debts and contracts of such school; vesting the control of the public schools within said district in a board of seven trustees; continuing in office the board of trustees of the present Hale Center Independent School District until the expiration of their terms of office; abolishing all other boards of trustees; conferring upon said district and its board of trustees all rights, powers, privileges and duties as are conferred by the general laws upon independent school districts created for school purposes only under the general law; providing that local maintenance taxes and bonds voted by the qualified voters of Hale Center Independent School District and other districts included within the district hereby created, are hereby continued in full force and effect; providing for an assessor and collector of taxes and board of equalization; providing that said independent school district shall be liable for its pro rata part of any outstanding bonded indebtedness upon a part of any terri-

tory taken from any other school district; providing for transportation of school children; providing this act to be cumulative of general law now in force or hereafter to be enacted governing independent school districts; and declaring an emergency."

Referred to Committee on Education.

By Mr. Thomason and Mr. Pollard:

H. B. No. 302, A bill to be entitled "An Act amending the laws relating to text books for the purpose of securing greater efficiency in uniform text book adoptions, and free text book distribution, and extending its operation, prescribing what school employes may not handle text books and school furniture and school equipment, providing for office space and equipment for county superintendents handling free text books, amending Sections 1, 3, 4, 5, and 21, of Chapter 44, Acts of First Called Session of the Thirty-fourth Legislature, and Sections 6 and 10 of Chapter 29, Acts of the Thirty-sixth Legislature and Articles 2904 and 3905, Revised Civil Statutes of 1911; and declaring an emergency."

Referred to Committee on Education.

By Mr. Thomason:

H. B. No. 303, A bill to be entitled "An Act amending the compulsory attendance law so as to increase requirements to cause the English language to become gradually the medium of instruction in private, sectarian, and parochial schools, gradually raising standards of instruction in all teaching accepted in lieu of public school training, providing methods of carrying out the purposes of act, and defining the scholastic age in compulsory attendance more specifically, and amending provisions in regard to the scholastic census, amending Sections 1, 2, 3, 6, and 8 of Chapter 49, Acts of the Thirty-fourth Legislature, and adding to Section 2, Sections 2a, 2b and 2c, and amending Sections 2774, 2776 and 2778, Revised Civil Statutes of 1911; and declaring an emergency."

Referred to Committee on Education.

By Mr. Thomason:

H. B. No. 304, A bill to be entitled "An Act to amend the laws in regard to the certification of teachers, providing for the same powers of certifications to all colleges on a basis of the same standards and courses of work and for a distinction between certificates obtained by examination and those secured through college work, providing for a gradual raising of standards for teach-

ers through a period of several years and for more adequate examination fees, adding to Sections 107, 108, 110, 110a, 110b, 110c, 110d, Chapter 96, Acts of the Thirty-second Legislature, as amended by Section 1, Chapter 61, Acts of the Third Called Session of the Thirty-sixth Legislature, Sections 107a, 108a, 110e, repealing Sections 114, 116, 117, and 119 of Chapter 96, Acts of the Thirty-second Legislature, as amended by Section 1, Chapter 61, Acts of the Third Called Session of the Thirty-sixth Legislature, and providing a substitute therefor, repealing Section 121, Acts of the Thirty-second Legislature, and providing a substitute therefor, and amending Section 105, Chapter 96, Acts of the Thirty-second Legislature; and declaring an emergency."

Referred to Committee on Education.

By Mr. Harrison:

H. B. No. 305, A bill to be entitled "An Act to amend Article 7383, Revised Civil Statutes of the State of Texas, 1911, as amended by Acts of the Regular Session of the Thirty-sixth Legislature, Chapter 77, 1919, and found on pages 128 and 129 thereof, requiring each and every individual, company, corporation or association, whether incorporated under the laws of this or any other State or territory or of the United States or any foreign country, which owns, controls, manages or leases any oil well within the State to make quarterly, on the first day of January, April, July and October of each year, a report to Comptroller of Public Accounts under oath of the individual or of the president, treasurer or superintendent of such company, corporation or association showing the total amount of oil produced during the quarter next preceding and the average market value thereof during said quarter; and providing that said individuals, companies, corporations and associations at the time of making said report, shall pay to the Treasurer of the State of Texas an occupation tax for the quarter beginning on said date, equal to one and one-half per cent of the total amount of all oil produced at the average market value thereof as shown by the report, and providing that one-third of the tax so collected shall be paid over to the county in which said oil or gas is produced for the use and benefit of the general funds of said county."

Referred to Committee on Oil, Gas and Mining.

By Mr. Hill:

H. B. No. 306, A bill to be entitled

"An Act creating the Hontoon Independent School District in Ochiltree county, Texas; defining its boundaries; providing for a board of trustees in said district; conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws of Texas upon independent school districts and the board of trustees thereof; district included within the bounds therefore authorized by any former school district included within the bounds thereof shall remain in full force and effect; and declaring an emergency."

Referred to Committee on Education.

By Mr. Hill:

H. B. No. 307, A bill to be entitled "An Act creating the Booker Independent School District out of territory in Lipscomb county, Texas; defining its boundaries, fixing the number of trustees, providing for their election in accordance with the general laws of towns and villages incorporated for school purposes, and fixing their powers and duties, and providing for the election of the first trustees after this act becomes effective; authorizing the trustees to levy and collect a maintenance tax and to issue bonds for building purposes, and to levy, assess and collect a bond tax; providing for elections upon bond and tax propositions and for notice of such elections; prescribing the qualifications of voters at such elections, the form of ballot and for making returns; providing for the appointment of an assessor and collector of taxes, and fixing his powers, duties, bond, and compensation; providing for the collection of delinquent taxes, and for the assessment and collection of taxes by the county assessor and collector; applying the general laws when a matter is not expressly provided for, and declaring an emergency."

Referred to Committee on Education.

#### HOUSE JOINT RESOLUTION ON FIRST READING.

The following House joint resolution introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. W. A. Black of Bexar:

H. J. R. No. 19, To amend Article 8 of the Constitution of the State of Texas in reference to taxation and revenue, and providing that the Governor shall submit the same to the qualified voters of Texas at the general election to be held on the first Tuesday after the first Mon-

day in November, 1922; appropriating \$5,000.00 or so much thereof as may be necessary to pay the expenses of carrying out the provisions of this resolution.

Referred to Committee on Constitutional Amendments.

#### INVITING SENATOR HOPKINS TO ADDRESS THE HOUSE.

Mr. Teer offered the following resolution:

Whereas, Senator Hopkins of Denton county is in the bar of the House; be it

Resolved, That he be invited to address the House and be extended the privileges of the floor.

Signed—Teer, Adams.

The resolution was read second time and was adopted.

In accordance with the above action, the Speaker announced the appointment of Mr. Teer, Mr. Adams and Mr. Satterwhite as a committee to escort Senator Hopkins to the Speaker's stand.

The Speaker then presented Senator Hopkins, who addressed the House.

#### BILL RE-REFERRED.

On motion of Mr. Henderson of McLennan, it was ordered that House bill No. 269 be withdrawn from the Committee on State Affairs and referred to the Judiciary Committee.

#### BILLS ORDERED NOT PRINTED.

On motion of Mr. Carpenter, it was ordered that House bill No. 168 be not printed.

On motion of Mr. Lindsey, it was ordered that House bill No. 247 be not printed.

On motion of Mr. O. B. Black of Bexar, it was ordered that Senate bill No. 38 be not printed.

On motion of Mr. Melson, it was ordered that House bill No. 183 be not printed.

#### RELATING TO BLOCK PICTURE.

The Speaker laid before the House for consideration at this time, the following report:

Whereas, We, your Committee on Photographs, met, on January 27, 1921, to award contract as per your resolution to photographer for making photographs of the Thirty-seventh Legislature and the following bids were submitted:

1. Jensen-Raymer, photographs of members of the House and employees, same picture to be same size as of the Thirty-sixth Legislature and to be de-

livered before adjournment of the Legislature if possible free of any cost to the members of this Legislature or the Legislature.

2. The Christianson Studio, same contract as above at a cost of \$242.65.

3. The Elliotts, same contract as above at a cost of \$310.00.

Therefore, Be it resolved by the House of Representatives that the contract be and is hereby awarded to Jensen-Raymer to make and deliver the picture of the Thirty-seventh Legislature as per contract to be drawn by your committee.

POLLARD, Chairman.

On motion of Mr. Pollard the report was adopted.

#### HOUSE BILL NO. 3 ON ENGROSSMENT.

Mr. Smith called up the motion to reconsider the vote by which the House refused to pass House bill No. 3 to engrossment, which motion to reconsider was on yesterday spread on the Journal.

Question recurring on the motion to reconsider, it prevailed.

The Speaker then laid before the House, on its passage to engrossment,

H. B. No. 3, A bill to be entitled "An Act providing for the collection of an inheritance tax on property subject to the jurisdiction of the laws of this State passing by will or otherwise of a decedent, and giving the amount of property exempt before the tax accrues, and providing for inventory and appraisal of such property subject to the tax and duties of administrator, guardian or trustee as to reports and allowable deductions; also duty of the Tax Commission, and county judge, and other officials; prescribing the rate of tax and when the tax is due and payable, and to whom, and providing for penalties and repealing all laws and parts of laws in conflict with this act and declaring an emergency."

The bill having heretofore been read second time.

Mr. Smith offered the following amendments to the bill:

(1)

Amend House bill No. 3, change "25,000" to "50,000" in line 35, page 1; also change "50,000" to "100,000" in line 35, page 1; change "100,000" to "200,000" in line 37, page 1; change "100,000" to "200,000" in line 38, page 1; change "200,000" to "300,000" in line 38, page 1; change "200,000" to "300,000" in line 40, page 1.

(2)

Amend House bill No. 3 by striking out in Section 8 all after the word "motion" in line 30, page 3, and all of line 31.

(3)

Amend House bill No. 3 by striking out the words "Tax Commission" in line 9, page 4, and substitute "Comptroller."

(4)

Amend House bill No. 3 by striking out "Tax Commission" in line 30, page 4, and substitute word "Comptroller."

Question—Shall the amendments be adopted?

On motion of Mr. Lackey the bill was recommitted to the Committee on Revenue and Taxation.

#### PROVIDING FOR CONSTITUTIONAL CONVENTION.

The Speaker laid before the House as unfinished business, for consideration at this time,

H. C. R. No. 12, Providing for a convention to frame a Constitution for the State of Texas.

The resolution having been read second time on yesterday, and Mr. Henderson of McLennan having moved to refer the resolution to the Committee on Constitutional Amendments, and Mr. Burmeister having offered a amendment to the resolution.

Mr. Greer moved to table the motion to refer.

Yeas and nays were demanded and the motion table was lost by the following vote:

Yeas—49.

|                    |                   |
|--------------------|-------------------|
| Adams.             | Johnson of Ellis. |
| Barrett of Fannin. | Kacir.            |
| Bass.              | Lackey.           |
| Carpenter.         | Laird.            |
| Chitwood.          | Lauderdale.       |
| Coffee.            | Lindsey.          |
| Cox.               | Marshall.         |
| Crumpton.          | Mathes.           |
| Davis, John E.,    | Neinast.          |
| of Dallas.         | Owen.             |
| Davis, John,       | Patman.           |
| of Dallas.         | Perkins of Lamar. |
| Dinkle.            | Perry.            |
| Fugler.            | Pollard.          |
| Greer.             | Pool.             |
| Grissom.           | Quinn.            |
| Henderson          | Rice.             |
| of Marion.         | Rosser.           |
| Hendricks.         | Rountree.         |
| Hill.              | Satterwhite.      |
| Horton.            | Smith.            |



|                    |                |
|--------------------|----------------|
| Stephens.          | Wadley.        |
| Stewart of Reeves. | Walker.        |
| Swann.             | Webb.          |
| Sweet of Brown.    | Williams       |
| Sweet of Tarrant.  | of Montgomery. |
| Thrasher.          |                |

Nays—73.

|                  |                   |
|------------------|-------------------|
| Aiken.           | Laney             |
| Baker.           | Lawrence.         |
| Baldwin.         | NcDaniel.         |
| Barker.          | McFarlane.        |
| Barrett of Bell. | McKean.           |
| Beasley          | McLeod.           |
| of Hopkins.      | Martin.           |
| Beasley          | Melson.           |
| of McCulloch.    | Merriman          |
| Black, O. B.,    | Miller of Dallas. |
| of Bexar         | Miller of Parker. |
| Black, W. A.,    | Morgan.           |
| of Bexar.        | Moore.            |
| Bonham.          | Morris of Medina. |
| Brown.           | Morris            |
| Bryant.          | of Montague.      |
| Burkett.         | Mott.             |
| Burmeister.      | Neblett.          |
| Burns.           | Perkins           |
| Childers.        | of Cherokee.      |
| Crawford.        | Pope.             |
| Cummins.         | Rogers of Harris. |
| Curtis.          | Rogers of Shelby. |
| Darroch.         | Rowland.          |
| Duffey.          | Shearer.          |
| Duncan.          | Sneed.            |
| Edwards.         | Stevenson.        |
| Estes.           | Teer.             |
| Faubion.         | Thomas            |
| Fly.             | of Limestone.     |
| Garrett.         | Thomason.         |
| Hall.            | Thompson          |
| Hanna.           | of Harris.        |
| Hardin.          | Thompson          |
| Harrington.      | of Red River.     |
| Henderson        | Thorn.            |
| of McLennan.     | Veatch.           |
| Johnson          | Wallace.          |
| of Wichita.      | Wessels.          |
| Kellis.          | Westbrook.        |
| King.            | Williams          |
| Kveton.          | of McLennan.      |

Absent.

|          |         |
|----------|---------|
| Beavens. | Sims.   |
| Binkley. | Malone. |
| Branch.  | West.   |
| Jones.   |         |

Absent—Excused.

|            |             |
|------------|-------------|
| Brady.     | Schweppe.   |
| Leslie.    | Seagler.    |
| Looney.    | Stewart     |
| McCord.    | of Edwards. |
| Quaid.     | Wright.     |
| Quicksall. |             |

Mr. Pollard moved the previous question on the pending motions and the

resolution and the motion was not seconded.

Question—Shall the motion to refer prevail?

# BILL AND RESOLUTIONS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bill and resolutions:

S. C. R. No. 4, Thanking the Daughters of the Confederacy for the improvements on Alamo.

S. C. R. No. 5, Relating to the removal of the University of Texas.

S. B. No. 53, "An Act to amend Chapter 49, Acts of the Thirty-second Legislature, Forty-fifth, Forty-seventh and Seventy-third Judicial Districts and constituting Bexar county, the Thirty-seventh, Forty-fifth, Fifty-seventh and Seventy-third Judicial Districts; providing for the present judges of the Thirty-seventh, Forty-fifth, Fifty-seventh and Seventy-third Judicial Districts to continue to hold their offices for the respective terms for which they were elected; prescribing the jurisdiction of said courts and providing for the election of judges thereof, and for the district attorney of the Thirty-seventh Judicial District, and the other district courts of said district, and prescribing his duties; prescribing how cases shall be numbered and filed in the several courts; providing the district court of the Thirty-seventh Judicial District of Bexar county, Texas, and the district court of the Forty-fifth Judicial District of Bexar county, Texas, to try criminal cases and give precedence to criminal business over civil business until the number of criminal cases in each court is reduced to fifty cases, and requiring said courts to give their entire time to trying of criminal cases until the number of criminal cases in each court is reduced to fifty or less, and requiring each court to alternately empanel a grand jury, and requiring the district court of the Thirty-seventh Judicial District to transfer one-half of the cases on its docket to the district court of the Forty-fifth Judicial District, leaving the oldest case in point of date of filing in the district court of the Thirty-seventh Judicial District, and transferring the second case to the district court of the Forty-fifth Judicial District, leaving the third case in the district court of the Thirty-seventh Judicial District, and transferring the fourth case to the district court of the

Forty-fifth Judicial District, and thus in transferring each alternate case until one-half of the entire number in the district court of Thirty-seventh Judicial District is transferred to the district court of the Forty-fifth Judicial District, and providing that the terms of the said courts be concurrent, that is, commencing and ending at the same time, and requiring that forfeited bond cases be tried by the district courts of the Thirty-seventh Judicial District and the Forty-fifth Judicial District of Bexar county, Texas, that the district clerk make up a docket for the criminal cases transferred to the Forty-fifth Judicial District, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

#### RECESS.

On motion of Mr. Owen, the House, at 12 o'clock m., took recess to 2 o'clock p. m. today.

#### AFTERNOON SESSION.

The House met at 2 o'clock p. m. and was called to order by Speaker Thomas.

#### LEAVE OF ABSENCE GRANTED.

On motion of Mr. Morgan, Mr. West was excused for today on account of sickness.

#### REPORT OF COMMITTEE ON PRIVILEGES, SUFFRAGE AND ELECTIONS.

The Speaker laid before the House for consideration at this time, the following report:

In re Naegelin vs. Morris Contest—  
116th Representative District of  
Texas.

Committee Room,  
Austin, Texas, January 25, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: Your Committee on Privileges, Suffrage and Election, to whom was referred the contest of W. F. Naegelin vs. Grover C. Morris, contesting the election of said Grover C. Morris as Representative of the One Hundred and Sixteenth Representative District of Texas, and the right of said Grover C. Morris to maintain his seat in the House of Representatives as a Representative of said district, have had the matter of said contest under consideration, and are of the opinion that the exceptions

of said Grover C. Morris to the "Notices and Grounds" of said contest should be sustained and have incorporated our findings in the form of a judgment which we recommend be adopted by the House of Representatives, as follows:

W. F. Naegelin vs. Grover C. Morris.

In the Committee on Privileges, Suffrage and Elections, Regular Session,  
Thirty-seventh Legislature,  
Austin, Texas.

On this, the 25th day of January, A. D. 1921, coming on to be heard the above and entitled numbered cause wherein said W. F. Naegelin filed an application of contest against the said Grover C. Morris being seated and sworn in as the legally and lawfully elected Representative in and for the One Hundred and Sixteenth Representative District of Texas; and the said W. F. Naegelin, on the 21st day of January, 1921, having been notified in person by the Hon. J. C. Darroch, Chairman of this Committee, that his application and the demurrers and exceptions to the same would be heard on the 25th day of January, 1921, and that he should appear at said House of Representatives at Austin, Texas, to further prosecute his contest and answer to the demurrers and exceptions filed to the same by the said Grover C. Morris. And the said Grover C. Morris being present and a quorum of the said Committee having answered the roll call and being present, the said W. F. Naegelin was called, but wholly made default and failed to put in his appearance and failed to further urge and prosecute his said contest.

The said Grover C. Morris having announced ready for trial, the Committee proceeded to hear the application for contest read and the demurrers and exceptions thereto and the arguments thereon and having carefully considered the same are of the opinion that the demurrers and exceptions are well taken and should be sustained and that the contestant, W. F. Naegelin, had wholly failed to allege good and sufficient cause, as by law required, why the election of Grover C. Morris should be declared null and void, and that the demurrers and exception should be sustained, the Committee voting unanimously thereon.

It is therefore ordered, adjudged and decreed unanimously by the Committee, that the demurrers and special exceptions of the contestee, Grover C. Morris, should be and hereby are sustained

to the contestant's, W. F. Naegelin's, statement of grounds upon which contest is based and that the said W. F. Naegelin take nothing by his application and that the said Grover C. Morris be seated as the legally elected Representative of the One Hundred and Sixteenth Representative District of Texas, and that said contest be held for naught.

DARROCH, Chairman,  
MILLER of Dallas,  
KVETON,  
THOMASON,  
FAUBION,  
SWEET of Tarrant,  
SNEED,  
BRYANT,  
SWANN,  
STEPHENS,  
DINKLE,  
HENDERSON of McLennan.

On motion of Mr. Pope, the report was adopted.

Mr. Pope moved to reconsider the vote by which the report was adopted, and to table the motion to reconsider.

The motion to table prevailed.

#### PROVIDING FOR A CONSTITUTIONAL CONVENTION.

The House resumed consideration of pending business, same being House Concurrent Resolution No. 12, providing for a constitutional convention with an amendment by Mr. Burmeister and motion by Mr. Henderson of McLennan to refer the resolution to the Committee on Constitutional Amendments, pending.

Mr. Satterwhite moved to postpone further consideration of the resolution until next Friday, and the motion was lost.

Question then recurring on the motion to refer the resolution to the Committee on Constitutional Amendments, it was lost.

Mr. Horton offered the following substitute for the pending amendment:

Amend the resolution by changing the date of the election of delegates from the fourth Saturday in July, 1921, to the fourth Saturday in August, 1921.

Question first recurring on the substitute, it was lost.

Question then recurring on the amendment by Mr. Burmeister, it was adopted.

Mr. Stephens offered the following amendment to the resolution:

Amend House Concurrent Resolution No. 12 by changing Section 2 to read as follows:

"The convention herein provided for shall be composed of one delegate from each representative district."

The amendment was adopted.

Mr. Cummins offered the following amendment to the resolution:

To amend by adding one delegate for each congressional district and two delegates at large.

The amendment was lost.

Mr. Teer offered the following amendment to the resolution:

Amend House Concurrent Resolution No. 12, after the words "one from every representative district," add "and fifteen at large."

The amendment was adopted.

Mr. Fly offered the following amendment to the resolution:

Amend Section 1, line 4 of said section, by striking out "December, 1921," and insert "September, 1922."

Mr. Morris of Medina moved the previous question on the amendment and the resolution, and the main question was ordered.

Question first recurring on the amendment, it was adopted.

Mr. Satterwhite moved to reconsider the vote by which the previous question was ordered.

The motion to reconsider prevailed.

Question then recurring on the motion for the previous question, it was lost.

Mr. Satterwhite then offered the following amendment to the resolution:

Amend House Concurrent Resolution No. 12, paragraph 6, by striking out "July" and insert "November."

(Mr. Pope in the chair.)

Mr. Thompson of Red River offered the following amendment to the resolution:

Amend House Concurrent Resolution No. 12 by striking out the enacting clause.

Question recurring on the amendment striking out the enacting clause of the resolution, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—57.

|                    |           |
|--------------------|-----------|
| Aiken.             | Branch.   |
| Baker.             | Burkett.  |
| Baldwin.           | Burns.    |
| Barrett of Fannin. | Childers. |
| Beasley            | Curtis.   |
| of McCulloch.      | Darroch.  |
| Black, O. B.,      | Duncan.   |
| of Bexar.          | Edwards.  |
| Bonham.            | Fly.      |

|                   |                   |
|-------------------|-------------------|
| Garrett.          | Morris            |
| Grissom.          | of Montague.      |
| Hall.             | Neblett.          |
| Hanna.            | Neinast.          |
| Hardin.           | Perkins           |
| Harrington.       | of Cherokee.      |
| Harrison.         | Perry.            |
| Henderson         | Quinn.            |
| of McLennan.      | Rogers of Harris. |
| Jones.            | Rogers of Shelby. |
| Kacir.            | Rowland.          |
| Kellis.           | Sneed.            |
| Kveton.           | Stevenson.        |
| Lawrence.         | Swann.            |
| McDaniel.         | Thomas            |
| McFarlane.        | of Limestone.     |
| McKean.           | Thompson          |
| McLeod.           | of Red River.     |
| Menking.          | Veatch.           |
| Merriman.         | Wallace.          |
| Miller of Dallas. | Wessels.          |
| Miller of Parker. | Williams          |
| Moore.            | of McLennan.      |
| Morris of Medina. |                   |

## Nays—62.

|                   |                    |
|-------------------|--------------------|
| Adams.            | Laird.             |
| Barker.           | Malone.            |
| Barrett of Bell.  | Martin.            |
| Bass.             | Marshall.          |
| Beasley           | Mathes.            |
| of Hopkins.       | Melson.            |
| Bryant.           | Morgan.            |
| Burmeister.       | Mott.              |
| Carpenter.        | Owen.              |
| Chitwood.         | Patman.            |
| Coffee.           | Perkins of Lamar.  |
| Cox.              | Pollard.           |
| Crawford.         | Pool.              |
| Crumpton.         | Pope.              |
| Cummins.          | Rice.              |
| Davis, John E.,   | Rosser.            |
| of Dallas.        | Rountree.          |
| Davis, John,      | Satterwhite.       |
| of Dallas.        | Shearer.           |
| Dinkle.           | Sims.              |
| Duffey.           | Smith.             |
| Faubion.          | Stephens.          |
| Fugler.           | Stewart of Reeves. |
| Greer.            | Sweet of Brown.    |
| Henderson         | Sweet of Tarrant.  |
| of Marion.        | Teer.              |
| Hill.             | Thomason.          |
| Horton.           | Thorn.             |
| Johnson           | Thrasher.          |
| of Gillespie.     | Walker.            |
| Johnson of Ellis. | Webb.              |
| Johnson           | Westbrook.         |
| of Wichita.       | Williams           |
| King.             | of Montgomery.     |
| Lackey.           |                    |

## Absent.

|               |             |
|---------------|-------------|
| Beavens.      | Estes.      |
| Binkley.      | Lauderdale. |
| Black, W. A., | Lindsey.    |
| of Bexar.     |             |

Thompson  
of Harris.

Wadley.  
West.

## Absent—Excused.

|         |             |
|---------|-------------|
| Brady.  | Quicksall.  |
| Laney.  | Schweppe.   |
| Leslie. | Seagler.    |
| Looney. | Stewart     |
| McCord. | of Edwards. |
| Quaid.  | Wright.     |

## Paired.

Mr. Hendricks (present), who would vote "nay," with Mr. Brown (absent), who would vote "yea."

Question then recurring on the amendment by Mr. Satterwhite, it was adopted.

Question—Shall the resolution be adopted?

## BILLS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

H. B. No. 106, "An Act extending for a period of five years from the date of permit, on certain specified conditions, all permits to prospect for oil and gas heretofore issued on University land and public school land which is unsold at the time this act goes into effect, and river beds or channels, and fresh water lakes, and islands therein, which have not expired, and extending for a like period and on like conditions all permits to prospect for oil and gas heretofore issued on said land and said areas and all permits to prospect for oil and gas heretofore issued after the Mineral Act of 1917 went into effect on islands, salt water lakes, bays, inlets, marshes and reefs owned by the State of Texas within tide water limits and that portion of the Gulf of Mexico within the jurisdiction of Texas, which permits have expired at the time this act goes into effect, but on which the drilling of a well or wells has been begun in good faith or with reference to which permits and the rights of the owner of the same to the possession of the area included therein bona fide litigation has existed during the whole or a part of the term of the permit; providing that said permits are extended on the condition that the owner pay to the State annually in advance, during the life of the permit, ten cents per acre, and all past due payments, and that the owner of the permit shall drill, at the direction of the Commissioner of the Gen-

eral Land Office, such offset well or wells as may be necessary to protect the State's interest in the area included in the permit, and shall resume and diligently continue drilling already begun, and authorizing the Commissioner of the Land Office to forfeit the permit for the failure to make the payments aforesaid or to drill the offset well or wells or to resume or continue drilling; providing that, if oil or gas should be produced in paying quantities the owner of the permit shall apply for and obtain lease upon the area without the payment of any additional sum of money and for a period not to exceed ten years, subject to renewal or renewals, providing for the filing of affidavits with reference to drilling or pendency of litigation, and declaring an emergency."

H. B. No. 156, "An Act to postpone the publication of delinquent lists of State, county, special school, district school and levee improvement taxes by county commissioners court and county tax collector, and the bringing of suits thereon until January 1, 1922, and declaring an emergency."

S. B. No. 49, "An Act amending Chapter 48, Section 2, pages 90-91, of the Laws passed at the Regular Session of the Thirty-fourth Legislature of the State of Texas, by changing the time and terms of holding court in the Seventy-ninth Judicial District so that Section 2 shall hereafter read as follows, and declaring an emergency."

H. B. No. 191, "An Act for the relief of railway corporations having charters amended since the first day of January, 1896, and which have failed to construct any extension, or any part thereof, authorized by said amendment or amendments, within the time required by law, and declaring an emergency."

#### MESSAGE FROM THE SENATE.

Senate Chamber.

Austin, Texas, January 28, 1921.

Hon. Chas. G. Thomas, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

Senate Concurrent Resolution No. 11, Extending to the Hon. Juan M. Garcia, Governor-elect of the State of Nuevo Leon, the heartiest good wishes of the Senate and House for a happy and successful administration.

Senate Concurrent Resolution No. 12, Resolving that no persons other than members of the Legislature and their families be permitted to take advantage

of the transportation to Denton on the train furnished by the citizens of Denton for that purpose.

Respectfully,

A. W. HOLT,

Assistant Secretary of the Senate.

#### HOUSE BILL NO. 136 ON THIRD READING.

On motion of Mr. Satterwhite, by unanimous consent, the regular order of business was suspended to take up and have placed on its third reading and final passage,

H. B. No. 136, A bill to be entitled "An Act making appropriation to pay salaries of judges and the support of the Judicial Department of the State government for the two years beginning September 1, 1921, and ending August 31, 1923, and declaring an emergency."

The Speaker laid the bill before the House, and it was read third time.

Mr. O. B. Black of Bexar offered the following amendment to the bill:

Amend House bill No. 136, page 6 thereof, line 24, by adding after the word "furniture" the words "linoleum and carpets" and change the figures "150" in both places in said line 24 to the figures "450" in both places in said line 24.

The amendment was adopted.

House bill No. 136 was then passed.

#### MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, January 28, 1921.

Hon. Chas. G. Thomas, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 156, A bill to be entitled "An Act to postpone the publication of delinquent lists of State, county, special school, district school and levee improvement taxes by county commissioners court and county tax collector, and the bringing of suits thereon until January 1, 1922, and declaring an emergency."

Respectfully,

A. W. HOLT,

Assistant Secretary of the Senate.

#### RELATING TO TRIP TO DENTON.

The Speaker laid before the House for consideration at this time the following resolution:

Senate Concurrent Resolution No. 12, Relating to the trip to Denton.

Whereas, The courtesy extended the Legislature of Texas by the citizens of Denton in inviting members of the Legislature and their wives to visit Denton and its educational institutions on Saturday, January 29th, entirely at the expense of the said citizens of Denton, is greatly appreciated; but

Whereas, It is being found impossible for many members of the Legislature to accept said invitation; now, therefore, be it

Resolved by the Senate, the House concurring, That it would not be in keeping with the purpose of said trip to Denton, or a proper regard for the courtesy of the citizenship of Denton, or a proper regard for the expense incurred, for the members of the Legislature who cannot attend in person to transfer the transportation furnished them to others, not members or wives of members of the Legislature; therefore, be it

Resolved, That all members of the Legislature who cannot in person, or the members of whose families cannot in person, accept of said invitation that the transportation furnished them for same be requested to return the same to the proper committee issuing same, and that no persons be allowed to use the same, save and except members of the Legislature and their families.

The resolution was read second time and was adopted.

#### EXTENDING FELICITATIONS TO GOVERNOR OF NUEVO LEON, MEXICO.

The Speaker laid before the House, for consideration at this time, the following resolution:

Senate Concurrent Resolution No. 11, Felicitating Governor-elect Juan M. Garcia, of the State of Nuevo Leon, Mexico.

Whereas, The Governor-elect of the State of Nuevo Leon, the Hon. Juan M. Garcia, has, through the Hon. F. A. Chapa, of Bexar county, extended to the Governor of Texas, the Senate and House of Representatives, an invitation to attend his inauguration on February 5, A. D. 1921, at the city of Monterey, in the State of Nuevo Leon; and

Whereas, The utmost friendly relations do now exist between the State of Texas and the Republic of Mexico, and especially the State of Nuevo Leon, the Hon. Juan M. Garcia but recently attending the inauguration of the Hon. Pat M. Neff, Governor of Texas; and

Whereas, The courtesy extended by

the Governor-elect of Nuevo Leon is deeply appreciated; now, therefore, be it

Resolved by the Senate of Texas the House of Representatives concurring, That we do hereby felicitate the Hon. Juan M. Garcia, Governor-elect of Nuevo Leon, and do extend to him our heartiest good wishes for a happy and successful administration, and do assure him of our continued friendship for the Republic of Mexico and the State of Nuevo Leon, and that the Legislature of Texas does urge upon the Governor of Texas that in event he does not attend said inauguration in person that he send a duly accredited representative of the State of Texas, and that said duly accredited representative transmit to the Hon. Juan M. Garcia this resolution containing our sentiments of friendship.

The resolution was read second time and was adopted.

#### ADOPTING MASCOT.

Mr. Pollard offered the following resolution:

Whereas, It has been a custom for a mascot to be chosen from the promising sons of members of the House of Representatives to be photographed along with the members of the House; and

Whereas, Hon. F. B. Horton is now the proud father of Paul Bradfield Horton; therefore be it

Resolved, By the House of Representatives, That Hon. Paul Bradfield Horton be and is hereby chosen mascot for the House of Representatives of the Thirty-seventh Legislature.

The resolution was read second time and was adopted.

#### MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, January 28, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 106, A bill to be entitled "An Act extending for a period of five years from the date of permit, on certain specified conditions, all permits to prospect for oil and gas heretofore issued on University land and public school land which is unsold at the time this act goes into effect, and river beds or channels, and fresh water lakes, and islands therein, which have not expired, and extending for a like period and on like conditions all permits to prospect

for oil and gas heretofore issued on said land and said areas and all permits to prospect for oil and gas heretofore issued after the Mineral Act of 1917 went into effect on islands, salt water lakes, bays, inlets, marshes and reefs owned by the State of Texas within tide water limits and that portion of the Gulf of Mexico within the jurisdiction of Texas, which permits have expired at the time this act goes into effect, but on which the drilling of a well or wells has been begun in good faith or with reference to which permits and the rights of the owner of the same to the possession of the area included therein bona fide litigation has existed during the whole or a part of the term of the permit; providing that said permits are extended on the condition that the owner pay to the State annually in advance, during the life of the permit, ten cents per acre, and all past due payments, and that the owner of the permit shall drill, at the direction of the Commissioner of the General Land Office, such onset well or wells as may be necessary to protect the State's interest in the area included in the permit, and shall resume and diligently continue drilling already begun, and authorizing the Commissioner of the Land Office to forfeit the permit for the failure to make the payments aforesaid or to drill the offset well or wells or to resume or continue drilling; providing that, if oil or gas should be produced in paying quantities the owner of the permit shall apply for and obtain lease upon the area without the payment of any additional sum of money and for a period not to exceed ten years, subject to renewal or renewals, providing for the filing of affidavits with reference to drilling or pendency of litigation, and declaring an emergency."

Respectfully,

A. W. HOLT,

Assistant Secretary of the Senate.

#### RELATING TO DILATORY TACTICS.

Mr. Burkett offered the following resolution:

Whereas, The cost to the State of Texas is nearly \$2000 for each day the Legislature is in session; and

Whereas, There has been and continues to be dilatory tactics practiced by some of the members of the House which causes much unnecessary delay in time and cost to the taxpayers of our State; therefore, be it

Resolved, By the House of Representatives that all dilatory and delaying tactics be dispensed with at once and

business transacted in a business way, or else resign or adjourn and go home.

The resolution was read second time and was adopted.

#### MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, January 28, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 191, A bill to be entitled "An Act for the relief of railway corporations having charters amended since the first day of January, 1896, and which have failed to construct any extension, or any part thereof, authorized by said amendment or amendments, within the time required by law, and declaring an emergency."

Respectfully,

A. W. HOLT,

Assistant Secretary of the Senate.

#### BILL RECOMMITTED.

On motion of Mr. Curtis, House bill No. 205 was recommitted to the Committee on Oil, Gas and Mines.

#### ADJOURNMENT.

On motion of Mr. Miller of Parker, the House, at 4:30 o'clock p. m., adjourned until 10 o'clock a. m. next Monday.

#### APPENDIX.

#### STANDING COMMITTEE REPORTS.

The following standing committees reported bills favorably today, as follows:

Agriculture: House bills Nos. 18, 83, 227, 70, 71, 72.

Public Health: House bill No. 125.

Stock and Stock Raising: House bill No. 179.

Judiciary: House joint resolution No. 1, House bills Nos. 65, 179, 109.

Revenue and Taxation: House bills Nos. 222, 107.

Eleemosynary and Reformatory Institutions: Senate bill No. 38.

Common Carriers: House bill No. 23.

Education: House bills Nos. 183, 277, 118.

Oil, Gas and Mining: House bill No. 205.

Criminal Jurisprudence: Senate bill No. 7, House bill No. 182.

Constitutional Amendments: House joint resolution No. 17.

The following standing committees reported bills adversely today, as follows:

Constitutional Amendments: House joint resolutions Nos. 15, 4, 3, 5.

Revenue and Taxation: House bills Nos. 193, 111.

Criminal Jurisprudence: House bill No. 140.

Judiciary: House joint resolution No. 10.

State Affairs House bill No. 9.

#### REPORTS OF COMMITTEE ON ENGROSSED BILLS.

Committee Room,

Austin, Texas, January 28, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 136, A bill to be entitled "An Act making appropriation to pay salaries of judges and the support of the Judicial Department of the State government for the two years beginning September 1, 1921, and ending August 31, 1923, and declaring an emergency."

H. B. No. 27, A bill to be entitled "An Act to authorize the erection and maintenance of a modern apartment and rooming house on the old capitol grounds in the city of Austin, for the use, benefit and convenience of members of the State Senate and House of Representatives, and when not in use for such purpose, to be used in such manner as to be of most use to the State of Texas."

And find the same correctly engrossed.  
SNEED, Chairman.

Committee Room,

Austin, Texas, January 27, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 24, A bill to be entitled "An Act to provide for the organization or admission and regulation of incorporated insurance companies other than life."

And find the same correctly engrossed.  
SNEED, Chairman.

Committee Room,

Austin, Texas, January 27, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed

Bills have carefully examined and compared

H. B. No. 31, A bill to be entitled "An Act making it a misdemeanor for any person to ask, solicit, demand, charge or receive, directly or indirectly, from any other person, corporate or otherwise, any money, reward, favor, benefit, or other thing of value, or the promise of either as a consideration or inducement for procuring or effecting, or with the view, purpose or intent that such person may, can, or will, or may, can or will seek or undertake to, procure or effect any preference in the receipt, carriage, transportation, movement, placing, storing, handling, caring for or delivery of any freight, commodity, or article, or any railroad car or cars, by any common carrier, in State, or by any agent or employe of such common carrier, and prescribing a penalty therefor, defining the word 'preference' as used in this act, and declaring an emergency."

And find the same correctly engrossed.  
SNEED, Chairman.

Committee Room,

Austin, Texas, January 27, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 191, A bill to be entitled "An Act for the relief of railway corporations having charters amended since the first day of January, 1896, and which have failed to construct any extension, or any part thereof, authorized by said amendment or amendments, within the time required by law, and declaring an emergency."

And find the same correctly engrossed.  
SNEED, Chairman.

Committee Room,

Austin, Texas, January 27, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. J. R. No. 12, Proposing an amendment to Section 13, Article 8, of the Constitution of the State of Texas, providing for sale and conveyance of property for taxes due thereon, and for the redemption by the former owner of land, within two years from the date of purchaser's deed.

And find the same correctly engrossed.  
SNEED, Chairman.



# REPORTS OF COMMITTEE ON ENROLLED BILLS.

Committee Room,  
Austin, Texas, January 28, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 106, "An Act extending for a period of five years from the date of the permit, on certain specified conditions, all permits to prospect for oil and gas heretofore issued on University land, and public school land which is unsold at the time this act goes into effect, and river beds or channels, and fresh water lakes and islands therein, which have not expired and extending for a like period and on like conditions all permits to prospect for oil and gas heretofore issued on said land and said areas and all permits to prospect for oil and gas heretofore issued after the Mineral Act of 1917 went into effect, on islands, salt water lakes, bays, inlets, marshes and reefs owned by the State of Texas within tide water limits and that portion of the Gulf of Mexico within the jurisdiction of Texas, which permits have expired at the time this act goes into effect, but on which the drilling of a well or wells has been begun in good faith or with reference to which permits and the right of the owner of the same to the possession of the area included therein bona fide litigation has existed during the whole or a part of the term of the permit; providing that said permits are extended on the condition that the owner pay to the State annually in advance, during the life of the permit, ten cents per acre, and all past due payments, and that the owner of the permit shall drill, at the direction of the Commissioner of the General Land Office, such offset well or wells as may be necessary to protect the State's interests in the area included in the permit, and shall resume and diligently continue drilling already begun; and authorizing the Commissioner of the Land Office to forfeit the permit for the failure to make the payments aforesaid or to drill the offset well or wells or to resume or continue drilling; providing, that, if oil or gas should be produced in paying quantities, the owner of the permit shall apply for and obtain a lease upon the area without the payment of any additional sum of money and for a period not to exceed ten years, subject to renewal or renewals, providing for the filing of affidavits with reference to drilling or pendency of litigation, and declaring an emergency."

Have carefully compared same and find it correctly enrolled, and have this day, at 3:15 o'clock p. m., presented same to the Governor for his approval.  
FAUBION, Chairman.

Committee Room,  
Austin, Texas, January 28, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 156, "An Act to postpone the publication of delinquent lists for State, county, special school, district school and levee improvement taxes by the county commissioners court and county tax collector, and the bringing of suits thereon until October 15, 1921, and further providing for a suspension of the ten per cent (10%) penalty for the time as provided, and in lieu thereof imposing five per cent (5%) penalty, and declaring an emergency."

Have carefully compared same and find it correctly enrolled, and have this day, at 4 o'clock p. m., presented same to the Governor for his approval.

FAUBION, Chairman.

## REPORT FROM RAILROAD COMMISSIONERS.

The following report of the Railroad Commissioners was ordered printed in the Journal.

Railroad Commission of Texas,

Austin, Texas, January 28, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives, Capitol.

Dear Mr. Speaker: Referring to the Simple Resolution by Mr. Malone, adopted by the House of Representatives on January 14, 1921, requesting the Railroad Commission of Texas to make a thorough investigation of the reasons for increase in passenger rates over the Northern Texas Traction Company's lines, asking the Commission for its judgment as to whether or not inter-urban lines are now under the jurisdiction of the Commission, and inviting the Commissioners to make such recommendations as they may deem pertinent to the inquiry, we beg to advise:

In order to hasten the matter, we sent the Traveling Inspector of the Railroad Commission to Fort Worth to make personal inquiry into the facts regarding the increase in passenger fares, and also the reasons therefor. No effort was made to make a detailed investigation but merely to ascertain the

exact amount of increase in passenger fares, if any, and to secure from the Northern Texas Traction Company their reasons for such increase as might be found to have been made.

For the information of the House, we are attaching hereto our Traveling Inspector's report; also letter from the Northern Texas Traction Company, and copy of the existing tariffs of the Northern Texas Traction Company showing the passenger fares charged by that line prior to December 26, 1920, and new tariffs in effect on December 26, 1920, which tariffs are now in effect, together with the percentage of increase of the new rates over the prior rates. We believe this will fully answer the inquiry of the Legislature in that connection.

Referring to the matter of this Commission's jurisdiction over interurban lines, we beg to advise that the Northern Texas Traction Company is operating under and by virtue of

"An Act to provide for and to authorize the Northern Texas Traction Company to extend its electric road now owned and operated by it from the city of Fort Worth, in the county of Tarrant, State of Texas, through the counties of Tarrant and Dallas, to and into the city of Dallas," etc. (General Laws, Twenty-seventh Legislature, Chapter 51, page 119.)

From said act we quote the following:

"Section 3. If said traction company shall engage in the business of carrying freight other than personal baggage, express and mail matter, packages, fruits, vegetables, poultry, meat, dairy products and other things for market, it shall thereby be and become subject to the control of the Railroad Commission of Texas."

Subsequent to the enactment of the above law granting special charter to the Northern Texas Traction Company, Article 1121, Revised Civil Statutes, Section 60, being the purpose clause of the general incorporation laws, providing for the incorporation of companies for the construction, acquiring, maintaining and operating lines of electric and other motor railways and interurban railways within and between cities and towns in this State, was amended, and, among other things, contains the following provision:

"And provided that the electric, gas or gasoline, denatured alcohol or naphtha motor railways incorporated under this subdivision, which shall engage in transporting freight shall be

subject to the control of the Railroad Commission."

From these conflicting statutes, you can readily understand that there is great confusion and conflict of opinion as to whether or not the Railroad Commission of Texas does have jurisdiction over the general conduct of interurban railway lines, including their charges for transporting passengers. The interurban lines deny the jurisdiction of the Commission and resist its authority, and while practically all of the interurbans of the State transport express matter, either for themselves, or through some organization operating over their lines, the use of the word "freight" in the above quoted statute, without defining it, causes difference of opinion among attorneys, and if, in truth and in fact, the Railroad Commission does now have jurisdiction over interurbans, the present wording of the statute makes the enforcement of its jurisdiction very difficult, if not impossible.

Responding to the invitation of the House to make such recommendations to the House, as might occur to us, as to needed legislation, we take the liberty of suggesting that if it is the purpose of the Legislature of the State to confer upon the Railroad Commission jurisdiction over interurban railways in Texas; the rates which they may charge for service, and the character of service which they are to render, etc., the present law should be so amended as to clearly and unequivocally express the purpose of the Legislature so that there may be no doubt whatever in the minds of the companies operating interurbans, or the Railroad Commission, as to what the law is in the premises.

Assuring you that we are ready at all times to render any service to the Legislature in the transaction of its business within our power, we are,

Yours very truly,

ALLISON MAYFIELD, Chairman,  
EARLE B. MAYFIELD,  
CLARENCE E. GILMORE,  
Commissioners.

CEG-s.

Railroad Commission of Texas,

Austin, Texas, January 27, 1921.

Railroad Commission of Texas, Capitol.

Gentlemen: Acting under your instructions of December 22nd to make an investigation of the reasons of the Northern Texas Traction Company for their increase in passenger rates, if any, I find that the Northern Texas Traction

Company has advanced its passenger rates from and to all points, except College Hill and Edgewood.

The reasons assigned by the Northern Texas Traction Company for these advances are set forth in their letter of January 26, 1921, addressed to me and hereto attached.

These advances vary from nothing to 80 per cent.

A comparative table of old and new rates is herewith submitted, the per cent of increases being shown in the third column of said table, and the average increase of the new rates over the old being 26.10 per cent.

Passenger Tariff No. 4 (old rates) and Passenger Tariff No. 5 (new rates) are hereto attached.

Respectfully submitted,  
JNO. R. FINNEY,  
Traveling Inspector.

JRF-s.

Northern Texas Traction Company.  
Fort Worth, Texas, January 26, 1921.

Mr. John R. Finney, Trav. Inspector,  
Railroad Commission of Texas, Austin, Texas.

Dear Sir: In response to request made of the Railroad Commission by the House of Representatives as to the reasons for increase of our interurban rates, wish to make the following statements in compliance with terms of said resolution:

The rates in effect prior to December 26, 1920, as shown by printed Tariff No. 4, hereto attached, are the same rates that have been in effect for a number of years, with the exception that war tax required by the government has been added. The rates shown in this tariff were calculated on a zone basis; the rate in each instance being a multiple of 5.

Our new passenger tariff No. 5, printed copy of which is hereto attached, determines the rate to be charged between the stations on a basis of actual mileage at 2.7 cents per mile, which charge per mile is now less than for similar service rendered by any other interurban line in Texas; the prevailing

rate within the United States being 3 cents per mile.

In adjusting rates from the old zone basis to an exact mileage basis you will note that the percentage of increase varies considerably; in some instances the old and new rate being the same.

Simultaneously with, or soon after enormous increases were made in wages and price of materials, it was necessary for most interurban lines to increase their rates which have now been in effect for a considerable period, but, on account of conditions which we shall explain, it did not become necessary for our rates to be increased until recently. The cost of our labor and materials increased in proportion cost in other lines, but, during the period of ascendancy in operating cost, our volume of traffic enormously increased by reason of army and aviation camps locating in Fort Worth, and traffic due to oil development in this territory with the result that our cars were at many times overloaded and earnings greater than could be expected for the same operating cost if we had been able to get sufficient equipment to properly handle the traffic. Additional equipment in cars, power station machinery, etc., has been obtained and adequate service provided at a considerably added operating cost which has recently been further increased substantially by purchase of fuel oil in the open market as against oil furnished until recently at a low price under an old contract. Thus it will be seen that we have not increased our fares until the necessity existed.

The providing of adequate service at greatly added operating costs which can not now be reduced, and on the other hand a precipitous reduction in the volume of traffic which is the result of army camps having been abandoned, oil activities having subsided, and a general depression of business, creates a situation quite the reverse of what was true a few months ago, and which final analysis will show is not being compensated for by the increase made in our rates.

Respectfully submitted,  
Northern Texas Traction Co.,  
By G. H. Clifford, Manager.

| From Forth Worth To     | Old Rate                        | New Rate                        | Per Cent Increase. |
|-------------------------|---------------------------------|---------------------------------|--------------------|
|                         | Effective<br>December 25, 1920. | Effective<br>December 26, 1920. |                    |
| Cleburne Junction ..... | .05                             | .07                             | 40                 |
| Sycamore Creek .....    | .05                             | .08                             | 60                 |
| Sycamore Heights .....  | .05                             | .09                             | 80                 |
| College Hill .....      | .10                             | .10                             | ..                 |
| Tandy's Lake .....      | .10                             | .11                             | 10                 |
| Virginia .....          | .10                             | .12                             | 20                 |
| Nona .....              | .10                             | .12                             | 20                 |
| Oakland .....           | .10                             | .13                             | 30                 |
| Sagamore Hill .....     | .10                             | .14                             | 40                 |
| Edgewood .....          | .15                             | .15                             | ..                 |
| Haines .....            | .15                             | .16                             | 6.67               |
| Siding 6 .....          | .15                             | .17                             | 13.34              |
| Point Breeze .....      | .15                             | .18                             | 20.01              |
| West Handley .....      | .15                             | .19                             | 26.68              |
| Handley .....           | .15                             | .20                             | 33.33              |
| East Handley .....      | .20                             | .22                             | 10                 |
| Oak Ridge .....         | .20                             | .23                             | 15                 |
| Village Creek .....     | .20                             | .24                             | 20                 |
| Bethel .....            | .20                             | .26                             | 30                 |
| Waples .....            | .20                             | .27                             | 35                 |
| Cloverdale .....        | .20                             | .29                             | 45                 |
| Siding 11 .....         | .25                             | .30                             | 20                 |
| Fruitvale .....         | .25                             | .31                             | 24                 |
| Bowen .....             | .25                             | .33                             | 28                 |
| Elliott .....           | .25                             | .35                             | 40                 |
| Keystone .....          | .25                             | .36                             | 44                 |
| Summit .....            | .30                             | .37                             | 21.50              |
| Arlington .....         | .30                             | .38                             | 26.67              |
| Lookout Point .....     | .35                             | .42                             | 20                 |
| Midway .....            | .35                             | .45                             | 28.57              |
| West Siding 18 .....    | .40                             | .48                             | 20                 |
| Union .....             | .40                             | .50                             | 25                 |
| Dalworth .....          | .40                             | .52                             | 30                 |
| Grand Prairie .....     | .40                             | .55                             | 37.50              |
| Fishburn .....          | .40                             | .56                             | 40                 |
| Cox .....               | .45                             | .59                             | 31.11              |
| Fowlers .....           | .45                             | .61                             | 35.56              |
| Idlewild .....          | .50                             | .64                             | 28                 |
| Mt. Creek Spur .....    | .50                             | .65                             | 30                 |
| Blue Cut .....          | .50                             | .68                             | 36                 |
| Arcadia Park .....      | .55                             | .70                             | 27                 |
| Rock Cut .....          | .55                             | .72                             | 30                 |
| Cockrell Hill .....     | .55                             | .73                             | 32.73              |
| Britton .....           | .60                             | .75                             | 25                 |
| Westmoreland .....      | .60                             | .76                             | 26.67              |
| Ravinnia .....          | .65                             | .77                             | 18                 |
| Hillside .....          | .65                             | .78                             | 20                 |
| Merrifield .....        | .65                             | .80                             | 23                 |
| Boundary .....          | .65                             | .81                             | 24                 |
| Dallas .....            | .70                             | .93                             | 32.85              |